

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Theron Preston Washington,

Civil No. 14-3209 (DWF/SER)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Mr. Mark and Volunteer of America,

Defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Steven E. Rau dated September 5, 2014. No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. Based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Steven E. Rau's September 5, 2014 Report and Recommendation (Doc. No. [6]) is **ADOPTED**.
2. Plaintiff Theron Preston Washington's application to proceed *in forma pauperis* (Doc. No. [2]) is **DENIED**.
3. Plaintiff Theron Preston Washington's motion for judgment on the pleadings (Doc. No. [3]) is **DENIED AS MOOT**.

4. The complaint is **SUMMARILY DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: October 1, 2014

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge